

## **Readoption Review**

### **Sanitary Operation of Tattoo Parlors 410 IAC 1-5**

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would minimize the economic impact of the proposed rule on small business.

#### **Description of Rule:**

The Indiana State Department of Health (ISDH) has the responsibility of establishing rules to regulate the sanitary operations of tattoo parlors and body piercing facilities in Indiana. In 1996, the Indiana General Assembly enacted IC 4-22-2.5, to establish automatic expiration of any rule in effect for more than seven years, and to create a streamlined method for readoption of such rules without change. On May 12, 1998, in accordance with IC 16-19-3-4.1 and IC 16-19-3-4.2, the ISDH adopted 410 IAC 1-5 to establish the Sanitary Operation of Tattoo Parlors and Body Piercing Facilities. In accordance with IC 4-22-2.5, 410 IAC 1-5 must be readopted if it is to remain in effect.

#### **Readoption Analysis:**

**1) Is there a continued need for this rule?**

IC 16-19-3-4.1 and IC 16-19-3-4.2 require the ISDH to establish rules regarding the sanitary operation of tattoo parlors and body piercing facilities in Indiana. This statute remains in effect so there is a continued need for 410 IAC 1-5, which provides the sanitary operation of tattoo parlors and body piercing facilities.

**2) What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?**

Since the effective date of the rule, there has been no complaints or comments received from the public or small business concerning this rule or the implementation of this rule by the ISDH.

**3) Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small businesses in complying with the rule.**

No complaints or comments have been received from small business about this rule or the implementation of it and the ISDH is not aware of any difficulties in administration of or compliance with this rule. It should be noted that the agency has no way of enforcing compliance with this rule. It is difficult to see how the rule could be made easier to understand or implement.

- 4) **To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?**

This rule does not overlap, duplicate, or conflict with any other federal, state, or local laws, rules, regulations, or ordinances.

- 5) **When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?**

The rule was readopted in 2004. While economic conditions have changed, they do not directly impact the sanitary operations that need to be complied with in tattoo parlors and body piercing facilities to protect the public health in Indiana.

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